

# TYPE II LAND DIVISION & ENVIRONMENTAL REVIEW, STAFF REPORT & DECISION

Form DS1401 PLD



**Project Name:** COLE SHORT PLAT

**Case Number:** PLD2009-00026; BLA2009-00015; HAB2009-00001; EVR2009-00021

**Location:** 22643 NE 109<sup>th</sup> Street

**Request:** The applicant is proposing to adjust the boundary lines on a 1.0 acre parcel and an approximately 19.83 acre parcel to create reconfigured 1.0 acre and 19.83 acre parcels; and then to subsequently divide the resulting 19.83 acres into (4) four single-family residential lots located in the R-5 zone district.

**Applicant/Contact:** HFI Consultants  
Tim Halme  
10 South Parkway Avenue, Suite 201  
Battle Ground, WA 98604  
(360) 723-5523; (360) 723-5522 [fax]  
[tim@hficonsultants.com](mailto:tim@hficonsultants.com)

**Property Owner:** Gary and Lanita Cole  
22643 NE 109<sup>th</sup> Street  
Vancouver, WA 98682

## DECISION

**Approve Subject to Conditions**

**Team Leader's Initials:**

*ATG*

**Date Issued:** December 11, 2009

## County Review Staff:

	<u>Name</u>	<u>Phone Ext.</u>	<u>E-mail Address</u>
<b>Planner:</b>	Vicki Kirsher	4178	vicki.kirsher@clark.wa.gov
<b>Engineer:</b> (Trans. & Stormwater)	David Bottamini	4881	david.bottamini@clark.wa.gov
<b>Engineer:</b> (Trans. Concurrency)	David Jardin	4354	david.jardin@clark.wa.gov
<b>Team Leader:</b>	Travis Goddard	4180	travis.goddard@clark.wa.gov
<b>Engineering Supervisor:</b> (Trans. & Stormwater)	Sue Stepan P.E.	4102	sue.stepan@clark.wa.gov
<b>Engineering Supervisor:</b> (Trans. Concurrency)	Steve Schulte P. E.	4017	steve.schulte@clark.wa.gov
<b>Habitat Biologist:</b>	George Fornes	5601	george.fornes@clark.wa.gov
<b>Fire Marshal Office:</b>	Tom Scott	3323	tom.scott@clark.wa.gov

**Comp Plan Designation:** Rural

**Parcel Numbers:** Lot 22 (208008) and Lot 68 (208166) located in the Southeast of Section 33; Township 3 North; Range 3 East of the Willamette Meridian

## **Applicable Laws:**

Clark County Code (CCC) Sections 40.200 (General Provisions ); 40.220.020 (Rural Districts, R-5); 40.320 (Landscaping and Screening); 40.350.020 (Transportation Concurrency); 40.350.030 (Street and Road Standards); 40.380 (Stormwater and Erosion Control); 40.430; 40.440 (Habitat Conservation); 40.500.010 (Procedures); 40.510.020 (Type II Process); 40.520.010 (Legal Lot Determination); 40.540.010 (Boundary Line Adjustments); 40.540.030 (Short Plats); 40.610 & 40.620 (Impact Fees); Title 14 (Buildings and Structures); 15.12 (Fire Code); Title 24 (Public Health); RCW 58.17 (State Platting Laws); and the Clark County Comprehensive Plan.

## **Neighborhood Association/Contact:**

Proebstel Neighborhood Association  
Wendy Garrett  
3021 NE 72<sup>nd</sup> Drive, Suite 9  
PM Box 109  
Vancouver, WA 98661  
(360) 253-9659  
E-mail: [proebstelnawendy@yahoo.com](mailto:proebstelnawendy@yahoo.com)

**Vesting:**

An application is reviewed against the subdivision, zoning, transportation, stormwater and other land development codes in effect at the time a fully complete application for preliminary approval is submitted. If a pre-application conference is required, the application shall earlier contingently vest on the date the fully complete pre-application is filed. Contingent vesting requires that a fully complete application for substantially the same proposal is filed within 180 calendar days of the date the county issues its pre-application conference report.

A pre-application conference on this matter was held on May 7, 2009. The pre-application was determined to be contingently vested as of April 10, 2009. The fully complete application was submitted on June 17, 2009, and determined to be fully complete on July 1, 2009. Given these facts, the application is vested on April 10, 2009. There are no disputes regarding vesting.

**Time Limits:**

The application was determined to be fully complete on July 1, 2009. The application was placed on hold for 8 days when the applicant failed to submit the 'Fully Complete' packets within the specified timeframe, and then again for 79 days so the applicant could submit additional information to address engineering issues; thereby extending the deadline by 87 days. Therefore, the County Code requirement for issuing a decision within 78 days lapses on December 13, 2009.

**Public Notice:**

Notice of application was mailed to the applicant, Proebstel Neighborhood Association, and property owners within 500 feet of the site on July 21, 2009.

**Public Comments:**

1. An email was received on July 22, 2009 from Margaret and Robert Deffenbaugh [Exhibit 7]. The Deffenbaugh's object to creation of lots less than the 5 acre minimum set forth for lots in an R-5 zoning district. They also have concerns that "these lots will use a small private access road that is only one lane."

**Staff Response:**

The 1.0 acre parcel is an existing legal lot of record. The deed history shows it was created in 1980 when parcels of this size were allowed [Exhibit 1, Boundary Line Adjustment Tab 6]. There will be no change in this situation as a result of the proposed boundary line adjustment with the 19+ acre parcel. The 1.0 acre parcel is simply being reconfigured. (See Land Use Finding 1)

The applicant is proposing to divide the reconfigured 19+ acre parcel such that proposed Lot 3 will contain 4.83 acres which is less than the 5.0 acre minimum established for an R-5 zoning district. For land divisions, however, the County's development code allows one (1) resulting parcel to be within ten percent of the required lot area for the zone or, in this case, 4.5 acres. (See Land Use Finding 2)

The preliminary plan [Exhibit 2] shows Lot 1 and Lot 2 obtaining access from an existing driveway from NE 109<sup>th</sup> Street which serves a residence on the 1.0 acre parcel. Dwellings to be located on proposed Lots 3 and 4 are proposed to derive access from a newly created joint driveway running west from NE 232<sup>nd</sup> Avenue. As part of the review process, Development Engineering has reviewed these two accesses for compliance with the county's road standards. See Transportation findings below for discussion.

2. On August 6, 2009, an email was received from Jan Hoerauf [Exhibit 9]. In addition to questioning the creation of parcels containing less than 5 acres, Ms. Hoerauf raises the following issues:
  - a. It appears that the applicant is proposing to widen the road (NE 232<sup>nd</sup> Avenue) to 60 feet which will "end up with the road taking out their corral and a road right up again their barn".

Staff Response

NE 232<sup>nd</sup> Avenue is a privately maintained road within a 60-foot public easement. The applicant does not wish to widen the road and has submitted a road modification to waive the improvements. For safety reasons, Development Engineering staff concluded it was not appropriate to entirely waive off-site road improvements along NE 232<sup>nd</sup> Avenue. It was determined, however, that partial improvements could address safety concerns. See Transportation findings for entire discussion.

- b. A 12-foot gravel driveway, within a 20-foot easement, will provide access to Lots 3 and 4. Ms. Hoerauf indicates that the applicant does not have the right to use this driveway.

Staff Response

The 20-foot access easement from which Lot 3 and Lot 4 will derive access is being established as a result of this short plat. It will be located entirely on the 19+ acre site.

- c. For the access serving results Lots 1 and 2, "he is stating that he has a 30-foot easement; at this time neighbors have not granted this."

Staff Response

The applicants own both the 19+ acre parcel being divided and the adjacent 1.0 acre parcel. As proposed, Lot 1 and Lot 2 will derive access from an existing driveway easement off NE 109<sup>th</sup> Street that currently provides access to a mobile home (to be removed) on proposed Lot 1 and the 1.0 acre parcel that is not a part of this short plat. Approximately the northerly 162 feet of this easement is off-site and is 15 feet in width. The existing easement then widens to 30 feet along the eastern boundary of resulting Lot 1. This portion

of the easement is entirely situated on the development site. See Transportation findings for additional discussion regarding this easement.

- d. Additional traffic and dwellings in the area will disrupt wildlife.

Staff Response

Within designated areas, development is regulated by the County's Habitat Conservation Ordinance. Due to the presence of a stream at the southwest corner of the subject 19+ acre parcel, protected riparian habitat the extends onto the property (*See Habitat Findings below*).

Priority Species Habitat (PHS), as defined by the Washington Department of Fish and Wildlife, is also regulated by the county. However, the PHS map does not show any protected occurrences on or near this site.

- e. Ms. Horeauf also appears to be questioning the validity of the property survey but does not identify where she believes it to be in error.

Staff Response

The applicant provided a copy of a 2005 recorded survey for the subject 19+ acres [*Exhibit 1, Tab 6*]. It includes a narrative of how the surveyor, who is licensed in the State of Washington, established location of the property lines of the development site. It does indicate there are significant fence encroachments. The applicant will be required to resolve these problems prior to filing of the final plat. (*See Land Use Finding 6*)

- 3. Al Gudaitis submitted an email on September 1, 2009 [*Exhibit 13*] in which echoed Ms. Hoerauf's concern about the potential widening of NE 232<sup>nd</sup> Avenue. It could destroy vinyl fencing around the barn and also render the barn unusable for his horses.

Staff Response

See Transportation Findings below for discussion.

<b>Project Overview</b>
-------------------------

The subject 20.83 acre site is located on the east side of NE 232<sup>nd</sup> Avenue, approximately 925 feet south of its intersection with NE 109<sup>th</sup> Street. The 19.83 acre parcel contains a mobile home and a shed which will be removed from the premises. An existing residence is located on the 1.0 acre parcel. A barn straddles a boundary between the two properties.

The 20.83 acres is comprised of two (2) legal lots of record containing 1.0 acre and 19.83 acres each. The applicant is proposing to adjust the boundary lines on these parcels to create two reconfigured lots of the same size which will result in the barn being situated entirely on the larger parcel. The second portion of the proposal is to

divide the resulting 19.83 acre parcel into four (4) single family residential lots containing 5.0 acres, 5.0 acres, 4.83 acres, and 5.0 acres each.

The proposed preliminary plat *[Exhibit 2]* calls for Lots 1 and 2, along with the residence on the reconfigured 1.0 acre parcel, to obtain access from an existing 15-foot access easement. Lot 3 and Lot 4 will be served by a 20-foot joint driveway extending west from NE 232<sup>nd</sup> Avenue.

The comprehensive plan designation, zoning, and uses of both the subject and surrounding properties are noted in the following table:

Compass	Comp Plan	Zoning	Current Land Use
Site	Rural	R-5	Acreage homesites
North	Rural	R-5	Acreage homesites
East	Rural	R-5	Acreage homesites
Southeast	Forest – Tier 2	FR-40	Timber land
South	Rural	R-5	Acreage homesites
West	Rural	R-5	Vacant

### Staff Analysis

Staff first analyzed the proposal in light of the 16 topics from the Environmental Checklist (see list below). The purpose of this analysis was to identify any potential adverse environmental impacts that may occur without the benefit of protection found within existing ordinances.

- |                                 |  |
|---------------------------------|--|
| 1. Earth                        | 9. Housing                             |
| 2. Air                          | 10. Aesthetics                         |
| 3. Water                        | 11. Light and Glare                    |
| 4. Plants                       | 12. Recreation                         |
| 5. Animals                      | 13. Historic and Cultural Preservation |
| 6. Energy and Natural Resources | 14. Transportation                     |
| 7. Environmental Health         | 15. Public Services                    |
| 8. Land and Shoreline Use       | 16. Utilities                          |

Staff then reviewed the proposal for compliance with applicable code criteria and standards in order to determine whether all potential impacts will be mitigated by the requirements of the code.

Staff's analysis also reflects review of agency and public comments received during the comment period, and knowledge gained through a site visit.

### Major Issues:

Only the major issues, errors in the development proposal, or justification for any conditions of approval are discussed below. Staff finds that all other aspects of this

proposed development comply with the applicable code requirements and, therefore, are not discussed below.

### **LAND USE:**

#### **Finding 1 – Boundary Line Adjustment**

As previously noted, the applicant is proposing to adjust the boundary lines on two (2) existing legal lots of record containing 19.83 acres and 1.0 acre each to create two reconfigured parcels of the same sizes.

Current zoning of these parcels is R-5 which has a 5 acre minimum lot size. The larger parcel currently contains sufficient acreage to meet this requirement while the existing 1.0 acre parcel falls far short of this standard. Although this smaller parcel does not meet current lot size requirements, it was created in compliance with regulations at a time when 1.0 acre parcels were allowed. The applicant is not proposing to reduce the size of this lot, but is simply reconfiguring the shape of this parcel. There will, therefore, be no change in the current situation as a result of this request.

CCC 40.200.070(D) specifies that, for the purpose of establishing setbacks from property lines, any residential lot of record in the R-5 zoning district which has a smaller lot area than what is required (i.e., 5.0 acres) may use that residential zoning classification which most closely corresponds to the dimensions of the lot of record. In this case, the existing 1.0 acre lot most closely matches dimensions and size requirements of the RC-1 (Rural Center Residential – 1 Acre) zoning district. The applicable setbacks for a dwelling within this zone are as follows:

Front: 25 feet  
Side: 10 feet  
Rear: 10 feet

Due to fire protection purposes (See *Fire Protection Finding 3*), however, a 30-foot setback is required from side and rear property lines. Based on a review of the boundary line adjustment plan [*Exhibit 1, Tab 14(3)*], the existing residence will be situated at least this far from new lot lines being proposed for the 1.0 acre parcel. Furthermore, the existing barn which currently straddles a boundary between this lot and the adjacent 19.83 acre parcel will now be entirely situated on the larger parcel, and will meet the 50-foot setback required in the R-5 zone for accessory buildings used for agricultural purposes. Although the applicant indicates the mobile home on the 19.83 acres will be removed from the premises when this resulting parcel is divided, it meets setback requirements of the R-5 zoning district from the new northern property boundary of the 1.0 acre parcel. There is no change in the remaining setbacks as a result of the proposed boundary line adjustment.

Review and approval of the short plat is dependent upon the boundary line adjustment being accomplished. As a result, a condition requiring such action prior to final plat is appropriate (See *Condition D-1*).

### Finding 2 – Lot Standards

Table 40.210.020-2 contains lot standards for the R-5 zoning district. The minimum lot area is 5 acres. In addition, the zone prescribes a minimum lot width of 140 feet. There is no minimum depth requirement.

Based on a review of the revised preliminary plan [*Exhibit 2*], Lots 1, 2, and 4 meet the 5 acre minimum size established for the R-5 zone. Provisions set forth in CCC 40.200.040(C)(2) allows one (1) lot of a land division to be considered in compliance if it is within ten percent (10%) of the required lot area for the zone. Utilizing this code section, one (1) parcel may be as small as 4.5 acres. As a result, Lot 3 (4.83 acres) is also of sufficient size to meet ordinance requirements. In addition, all four (4) parcels meet the prescribed width standard of the R-5 zoning district.

### Finding 3 – Setbacks

Standard setback requirements for residential structures on lots within an R-5 zoning district are established in Table 40.220.020-3. These include:

- Front – 50 feet
- Street Side – 25 feet
- Interior Side – 20 feet
- Rear – 20 feet

Accessory buildings used for agricultural purposes shall maintain a 50-foot side yard setback. A note to this effect will be placed upon the final plat (*See Condition D-14-a*).

The applicant has shown development envelopes on each of the resulting parcels. These envelopes, however, do not accurately reflect the front setback identified above. In addition, the plan [*Exhibit 2*] does not show the greater 30-foot side and rear setbacks required for fire protection purposes (*See Fire Protection Finding 3*). The final plat shall be revised to show the necessary setbacks (*See Condition D-2*).

To avoid any confusion at time of building permit issuance, distance of said envelopes to all property lines shall be clearly identified on the final plat (*See Condition D-3*).

### Finding 4 – Existing Structures

The narrative indicates that the existing mobile home and shed on the 19+ acres that will be removed from the premises prior to final plat [*Exhibit 1, Tab 4*]. It is unclear whether the mobile home will be demolished or moved to a different property. If it is demolished, a permit will be required from the Washington State Department of Labor and Industries. On the other hand, if the mobile home is relocated to another property a permit will be required from Clark County Public Works Department. A condition will be imposed to ensure the necessary permit is obtained from the appropriate agency prior to final plat (*See Condition D-4*). Similarly, a demolition permit will be required from the Clark County Building and Safety Division for removal of the shed (*See Condition D-5*).

#### Finding 5 – Joint Driveway Easements

A 1977 deed grants the 1 acre parcel (208166) a 30-foot easement for ingress, egress and utilities which crosses along the eastern boundary of proposed Lot 1. The preliminary plat [*Exhibit 2*], however, shows only a 20-foot easement. This oversight shall be corrected on the final plat (See *Condition D-6-a*). In addition, the plat only identifies this easement as providing access to Lot 2 of the short plat. As proposed, it should also include Lot 1 as well as the 1.0 acre parcel.

The preliminary plat [*Exhibit 2*] shows a 20-foot driveway easement extending west from NE 232<sup>nd</sup> Avenue across Lot 4. As proposed, this easement will provide access for both Lot 3 and Lot 4. Although the easement stops at the boundary between these two lots, the plan shows a gravel driveway across Lot 3 connecting to the 1 acre parcel that is not a part of this short plat (208166). The applicant is advised that, as currently proposed, the 1.0 acre parcel will not have right to use this driveway. During course of this review, the applicant has indicated a desire for this 1.0 acre lot to obtain access via this driveway (See *Transportation Finding 4*). In such case, the easement shall be extended across Lot 3 (See *Conditions A-1-d and D-6-b*). In addition, a condition will be imposed that the final plat shall specifically identify which lots will be using each joint driveway easement for access (See *Conditions D-6-c*).

#### Finding 6 – Fence Encroachments

A boundary survey for the site shows an apparent fence encroachment along the northern boundary of the site adjacent to Samuel Bauman short plat. Based on information submitted with the application packet, it is unclear whether ownership of the strip of land between property lines and fence-lines is under dispute. This situation needs to be resolved prior to filing of the final plat (See *Condition D-7*).

There are three (3) potential options for resolving said fence encroachment. These include:

1. The applicant can give the strip of land between the property line and the fence line to the adjacent property.
2. Recordation of a document signed by owners of the adjacent property stating they realize it is not their property and will not attempt to take that property through an adverse possession claim.
3. If the neighbor will not accept a quit claim and will not sign an agreement to relinquish any claim, the final plat may show the gross area (to the deed line) and show the net area (to the fence or other encroached area) with the provision that the net area will meet minimum lot size and dimensions in the event of loss of the disputed area. This option should be of last resort and only after the other options fail

#### Finding 7 – Proximity to Forest Zone

In accordance with 40.510.020(D)(5), all plats, building permits or development approvals issued for residential development activities on or within five hundred (500) feet of lands zoned forest (FR-40) shall include a disclosure regarding the property's proximity to designated resource lands. This declaration shall advise of potential conflicts between commercial resource activities on nearby lands and said residential development. In the case of short plats, such notice shall be provided in the Developer Covenants to Clark County (*See Condition D-12-f*).

**Conclusion (Land Use):** Staff concludes that the proposed preliminary plan, subject to the condition identified above, meets land use requirements of the Clark County Code.

#### **HABITAT:**

##### Finding 1 – Applicability

A Department of Natural Resources (DNR) mapped type Ns (non-fish bearing, seasonal) stream flows near the southwestern corner of the property. According to CCC 40.440.010(C)(1)(a), a DNR type Ns watercourse requires a 75-foot riparian Habitat Conservation Zone (HCZ) in order to protect fish and wildlife habitat. The riparian HCZ extends 75 feet horizontally outward from the ordinary high water mark.

##### Finding 2 – Building Envelopes

The applicant has proposed building envelopes that are outside of the riparian HCZ on the site. The proposed building envelopes comply with the exemption criterion identified in Table 40.440.010-1, row 2 of the Habitat Conservation Ordinance.

**Conclusion (Habitat):** The proposed short plat complies with the Habitat Conservation Ordinance, subject to the condition of approval identified in D-8.

#### **GEO-HAZARD:**

##### Finding 1 – Applicability

All development activities in or adjacent (within 100 feet) to geologic hazard areas shall comply with the provisions of CCC 40.430. The applicant submitted a letter dated June 10, 2009 indicating the provisions of CCC 40.430 do not apply to this development [*Exhibit 1, Tab 9*].

#### **TRANSPORTATION:**

##### Finding 1 – Roads

NE 109<sup>th</sup> Street and NE 232<sup>nd</sup> Avenue are classified as "Rural Local Access" roads, and the required dedication of half-width right-of-way along frontages is 25 feet. The development site has no direct frontage on NE 109<sup>th</sup> Street. In accordance with a short plat recorded in Book 1 Page 213, the existing half-width right-of-way along the subject property frontage on NE 232<sup>nd</sup> Avenue is 30 feet. Frontage improvements are not required in rural areas of the county outside of Rural Centers.

### Finding 2 – Offsite Roads

According to CCC 40.350.030(B)(6)(a), nothing in this section shall be construed to preclude denial of a proposed development where off-site road conditions are inadequate to provide a minimum level of service as specified in CCC 40.350.020 or a significant traffic or safety hazard would be caused or materially aggravated by the proposed development; provided that the applicant may voluntarily agree to mitigate such direct impacts in accordance with the provisions of RCW 82.02.020.

In compliance with CCC 40.350.030(B)(6)(b), any pre-existing roadway narrower than eighteen (18) feet with one (1) foot shoulders shall be widened to the full twenty (20) foot standard.

The applicant has submitted a road modification to request waiver of the off-site improvements along NE 232<sup>nd</sup> Avenue. See Transportation Finding 4 below for discussion.

### Finding 3 – Access Driveways

Driveways shall have a minimum width of 12 feet of clear, unobstructed driving surface. Driveways longer than 300 feet shall be constructed with an approved turnaround at the terminus, and approved turnouts at maximum 500-foot intervals (see standard detail's manual, drawing #33). Where connecting to a paved rural street, public or private, the connecting road or driveway shall be paved 20 feet back from the edge of the nearest travel lane or right-of-way, whichever is greater (*See Conditions A-1-a and D-14-h*).

Proposed Lots 1 and 2 will take access through an existing driveway easement to NE 109<sup>th</sup> Street. Parcel 208166 (1 acre parcel reconfigured by boundary line adjustment discussed in Land Use Finding 1) may take access from this easement as well. See Transportation Finding 4 below for discussion should the applicant decide this parcel (208166) will take access from NE 109<sup>th</sup> Street.

Both proposed Lot 3 and Lot 4 will take access to NE 232<sup>nd</sup> Avenue through a proposed joint driveway easement. The proposed joint access driveway shall be constructed from NE 232<sup>nd</sup> Avenue to the eastern lot line of the proposed Lot 3 with a temporary turnaround (*See Condition A-1-c*). The applicant has expressed an interest in having parcel 208166 take access from this parcel as well. In such case, the joint driveway easement shall extend across Lot 3 (*See Condition A-1-d*).

### Finding 4 – Road Modification (EVR2009-00021)

The applicant is requesting to be allowed a reduced joint driveway easement width of 15 feet to the north of proposed Lot 1, and also relief from the 20-foot minimum for an off-site road improvement on NE 232<sup>nd</sup> Avenue [*Exhibits 19 and 20*]. The applicant has indicated neighbors of the project will not allow for a widening of the joint driveway easement that is to provide access to NE 109<sup>th</sup> Street. The applicant has requested that the full off-site road paved width requirement for NE 232<sup>nd</sup> Avenue not be required due to the requirement being non-proportional to the impacts created by the project.

The applicant's plan includes the proposal for Lots 1 and 2 to take access from NE 109<sup>th</sup> Street via the easement. The applicant has proposed to also have an existing house on parcel 208166-000 utilize this easement. Staff believes the applicant has provided sufficient justification for the first road modification request per CCC 40.550.010(A)(1)(a). However, a condition will be imposed that if the applicant proposes to have the existing house on parcel 208166-000 take access to NE 109<sup>th</sup> Street, sufficient documentation shall be provided prior to final construction plan approval that demonstrates the applicant can legally send trips from 3 lots through the easement (*See Condition A-1-b*).

The decision is approval of the first road modification request subject to the condition identified above [*Exhibit 22*].

Staff does not believe the applicant has provided sufficient justification to entirely waive required off-site road improvements based upon provisions of CCC 40.550.010(A)(1)(d). The applicant submitted a proposal that indicates the roadway is safe with some minor modifications; however, staff does not believe the proposal is a safe one. Therefore, the applicant shall be responsible for widening NE 232<sup>nd</sup> Avenue between the driveway access to NE 232<sup>nd</sup> Avenue and NE 109<sup>th</sup> Street. The applicant shall uniformly widen the roadway at its narrowest widths.

The required minimum width for a driveway is 12 feet which is the width of NE 232<sup>nd</sup> Avenue from NE 108<sup>th</sup> Street to the north to the intersection of the proposed driveway and NE 232<sup>nd</sup> Avenue. This length of roadway is about 650 feet. Staff considers this situation to be an unsafe condition. The current width of private roadway is 2 feet wider than the standard single lane of roadway. The code requires private roadways be at least 20 feet wide per CCC 40.350.030 (B)(6)(b).

Staff does believe, however, that the following partial off-site road improvements will address safety concerns:

1. If a total of two lots are to access NE 232<sup>nd</sup> Avenue, the applicant shall be responsible for uniformly widening NE 232<sup>nd</sup> Avenue between the driveway access to NE 232<sup>nd</sup> Avenue and NE 109<sup>th</sup> Street, starting at its narrowest widths. The total area of paved-width applied shall be at least 2,880 square feet (*See Condition A-1-e*).
2. If a total of three lots are to access NE 232<sup>nd</sup> Avenue, the road between the driveway access to NE 232<sup>nd</sup> Avenue and NE 109<sup>th</sup> Street shall be widened to the uniform paved width of 18 feet (*See Condition A-1-f*).

The applicant has agreed to the two conditions stated above [*Exhibit 21*]. Therefore, the decision is to approve this road modification request subject to the conditions identified above [*Exhibit 22*].

The applicant has requested that the county allow the 4 proposed lots and the existing lot to access NE 232<sup>nd</sup> Avenue once it is improved with 18 feet of paved width. County staff has stated that 18 feet of paved-width would be adequate for serving all 5 lots. However, a post decision review will be required and the proposed joint driveway must be improved to private road standards to serve the five lots from NE 232<sup>nd</sup> Avenue to a location where only 3 lots are served by a joint driveway. Associated stormwater plan and a road modification for driveway spacing along NE 232<sup>nd</sup> Avenue will also be required.

#### Finding 5 – Sight Distance

The approval criteria for sight distances are found in CCC 40.350.030(B)(8). This section establishes minimum sight distances at intersections and driveways. Additional building setbacks may be required for corner lots in order to maintain adequate sight distance. The final engineering plans shall show sight distance triangles for all corner lots. Landscaping, trees, utility poles, and miscellaneous structures will not be allowed to impede required sight distance requirements at all proposed driveway approaches and intersections.

The applicant provided a sight distance letter dated March 20, 2009. The applicant provided analysis of sight distance at the intersection of NE 227<sup>th</sup> Avenue and NE 109<sup>th</sup> Street. The applicant is also responsible for providing a sight distance analysis at the location of the driveway approach to NE 232<sup>nd</sup> Avenue (*See Condition A-1-g*).

**Conclusion (Transportation):** Staff finds that the proposed preliminary plan, subject to conditions identified above, meets transportation requirements of the Clark County Code.

#### STORMWATER:

##### Finding 1 – Applicability

The Stormwater and Erosion Control Ordinance (CCC 40.380) applies to development activities that result in 5,000 square feet or more of new impervious area within the rural area and all land disturbing activities.

The project will create more than 5,000 square feet of new impervious surface, and is a land disturbing activity not exempted in section 40.380.030. Therefore, this development shall comply with the Stormwater and Erosion Control Ordinance (CCC 40.380).

The erosion control ordinance is intended to minimize the potential for erosion and a plan is required for all projects meeting the applicability criteria listed in CCC 40.380.050. This project is subject to the erosion control ordinance.

#### Finding 2 – Stormwater Proposal

The applicant has provided a storm drainage certification of “feasibility” for the proposed Cole Short Plat, dated April 8, 2009 and revised on June 9, 2009, from an engineer licensed in the State of Washington [*Exhibit 1, Tab 9*].

Stormwater runoff from the widened section of NE 232<sup>nd</sup> Avenue shall be managed per the stormwater code and the associated proposal reviewed and approved (*See Condition A-3-a*).

At the time of building permit application, the home owner must submit a plan for drainage project review and obtain approval for the onsite stormwater control system, unless the stormwater control system for the lot is pre-designed and approved with the preliminary or a final stormwater plan, or demonstrate CCC 40.380.040(B) and CCC 40.380.040(C) do not apply (*See Conditions D-14-I, E-1 and F-1*).

If applicable, a covenant running with the land must be recorded with the plat which provides the county inspection staff permission to inspect individual onsite stormwater systems with prior notification (*See Condition D-12-g*).

**Conclusion (Stormwater):** Staff concludes that the proposed preliminary stormwater plan, subject to the conditions above, is feasible. Therefore, the requirements of preliminary plan review criteria are satisfied.

#### GRADING

##### Finding 1– Applicability

A grading permit is required if excavation exceeds 50 cubic yards and a SEPA is required if the amount of cut and/or fill exceeds 500 cubic yards (*See Condition A-5-a*).

#### FIRE PROTECTION:

##### Finding 1 – Fire Marshal Review

This application was reviewed by Tom Scott in the Fire Marshal's Office. Tom can be reached at (360) 397-2375 x4095 or 3323. Information can be faxed to Tom at (360) 759-6063. Where there are difficulties in meeting these conditions or if additional information is required, contact Tom in the Fire Marshal's office immediately.

##### Finding 2 – Building Construction

Building construction occurring subsequent to this application shall be in accordance with the provisions of the county's building and fire codes. Additional specific requirements may be made at the time of building construction as a result of the permit review and approval process (*See Condition E-2*).

##### Finding 3 – Fire Flow

Fire flow in the amount of 500 gallons per minute supplied for 30 minutes duration is required for this application. Information from the water purveyor indicates that the

required fire flow is not available within 1,000 feet of the property line. Alternative construction methods shall be used to meet fire flow; this will require 30-foot rear and side setbacks (*See Condition D-2*) and a class "A" rated roof (*See Condition E-3-a*). An automatic fire sprinkler system may be required for new residential structures exceeding 3,600 square feet of habitable space (*See Condition E-3-b*).

#### Finding 4 – Fire Apparatus Access

The roadways and maneuvering areas as indicated in the application do not meet requirements of the Clark County Road Standards. The applicant shall provide an unobstructed vertical clearance of not less than 13.5 feet, with an all weather driving surface, and capable of supporting the imposed loads of fire apparatus (*See Condition F-2-a*).

#### Finding 5 – Fire Apparatus Turnarounds

All new private driveways in excess of three hundred (300) feet in length shall be provided with an approved turnaround at the terminus. Turnouts shall be provide at intervals five hundred (500) feet or less, such that no portion of the driveway is in excess of three hundred (300) feet from an approved turnaround or turnout (*See Condition F-2-b*).

**Conclusion (Fire Protection):** Staff finds that the proposed preliminary plan, subject to conditions identified above, meets fire protection requirements of the Clark County Code.

#### UTILITIES:

##### Finding 1 – Water Supply

The existing residence is served by a well, and the applicant is proposing to serve all new lots with private wells. The applicant has provided a Development Review Evaluation performed by the Clark County Health Department which indicates that individual wells are appropriate for this land division, subject to conditions (*See Condition D-9*).

##### Finding 2 – Sewerage

The existing dwelling is currently served by an on-site sewage disposal system. The additional lots create by this plat will be served by a separate on-site septic systems. The Development Review Evaluation from the Health Department describes the requirements for serving the development with septic systems (*See Condition D-9*).

The Evaluation also indicates that the approved initial, reserve and/or existing sewage system sites shall be protected from damage due to development. These sites shall be maintained so they are covered by any impervious material and not be subject to vehicular traffic or other activity which would adverse affect the soil. A note to this effect shall be placed upon the final plat (*See Condition D-14-c*).

### Finding 3 – Final Plat

For those land divisions where the use of wells and/or septic systems are proposed, the Health Department must sign the final plat prior to submittal for final plat review and recording (*See Condition D-10*).

**Conclusion (Utilities):** Staff finds that the proposed preliminary plan, subject to conditions identified above, meets water and sewer service requirements of the Clark County Code.

### **IMPACT FEES:**

#### Finding 1 – Existing Dwelling

As previously noted, there is an existing mobile home on the development site. The applicant intends to remove this dwelling with the proposed land division. Therefore, impact fees will be waived for one (1) lot within the proposed short plat. Said lot shall be identified on the final plat (*See Condition D-11*).

#### Finding 2 – Impact Fees

The three (3) additional residential lots created by this plat will produce impacts on schools, parks, and traffic, and are subject to School (SIF) and Traffic Impact Fees (TIF) in accordance with CCC 40.610.

The site is located within:

- Rural 1 sub-area with a TIF of \$2,749.47 per dwelling (\$1,402.23 – local and \$1,347.24 – regional);
- Hockinson District with a SIF of \$7,090.02 per dwelling ;

Impact fees shall be paid prior to issuance of building permits for each new lot (*See Conditions D-12-h and E-4*). If a building permit application is made more than three years following the date of preliminary plat approval, impact fees will be recalculated according to the then-current ordinance rate.

## **DECISION**

Based upon the proposed plan [*Exhibit 2*], and the findings and conclusions stated above, the Development Services Manager hereby **APPROVES** this request, subject to the following conditions of approval:

## **CONDITIONS OF APPROVAL**

<b>A</b>	<b>Final Construction Review for Land Division Review &amp; Approval Authority: Development Engineering</b>
----------	---

Prior to construction, a Final Construction Plan shall be submitted for review and approval, consistent with the approved preliminary plan and the following conditions of approval:

**A-1 Final Transportation Plan/On-Site** - The applicant shall submit and obtain County approval of a final transportation design in conformance to CCC 40.350 and the following conditions of approval:

- a. Driveways shall have a minimum width of 12 feet of clear, unobstructed driving surface. The driveway onto NE 232<sup>nd</sup> Avenue shall be paved 20 feet back from the edge of the nearest travel lane or right-of-way, whichever is greater. (*See Transportation Finding 3*)
- b. If the applicant decides parcel (208166) will take access from NE 109<sup>th</sup> Street, sufficient documentation demonstrating that trips from 3 lots can legally be sent through the easement will be required prior to final construction plan approval. (*See Transportation Findings 4*)
- c. The proposed joint access driveway shall be constructed from NE 232<sup>nd</sup> Avenue to the eastern lot line of the proposed Lot 3 with a temporary turnaround. (*See Transportation Finding 3*)
- d. The joint driveway 20-foot easement shall extend across Lot 3 to serve parcel 208166 if this lot will obtain access via this driveway. (*See Land Use Finding 5 and Transportation Finding 3*)
- e. If a total of two lots are to access NE 232<sup>nd</sup> Avenue, the applicant shall be responsible for uniformly widening NE 232<sup>nd</sup> Avenue between the driveway access to NE 232<sup>nd</sup> Avenue and NE 109<sup>th</sup> Street, starting at its narrowest widths. The total area of paved-width applied shall be at least 2,880 square feet. (*See Transportation Finding 4*)
- f. If a total of three lots are to access NE 232<sup>nd</sup> Avenue, the road between the driveway access to NE 232<sup>nd</sup> Avenue and NE 109<sup>th</sup> Street shall be widened to the uniform paved width of 18 feet. (*See Transportation Finding 4*)
- g. The applicant shall provide a sight distance analysis at the location of the driveway approach to NE 232<sup>nd</sup> Avenue. (*See Transportation Finding 5*)

**A-2 Transportation:**

- a. Signing and Striping Plan: If applicable, the applicant shall submit a signing and striping plan and a reimbursable work order, authorizing County Road Operations to perform any signing and pavement striping required within

the County right-of-way. This plan and work order shall be approved by the Department of Public Works prior to final plat or final site plan approval.

- b. Traffic Control Plan: Prior to issuance of any building or grading permits for the development site, the applicant shall obtain written approval from Clark County Department of Public Works of the applicant's Traffic Control Plan (TCP). The TCP shall govern all work within or impacting the public transportation system.

**A-3 Final Stormwater Plan** - The applicant shall submit and obtain County approval of a final stormwater plan designed in conformance to CCC 40.380 and the following conditions of approval:

- a. Stormwater runoff from the widened section of NE 232<sup>nd</sup> Avenue and joint driveway to proposed Lots 3 and 4 shall be managed per the stormwater code and the associated proposal reviewed and approved. (See *Stormwater Finding 2*)

**A-4 Erosion Control Plan** - The applicant shall submit and obtain County approval of a final erosion control plan designed in accordance with CCC 40.380.

**A-5 Excavation and Grading** - Excavation/grading shall be performed in compliance with CCC Chapter 14.07.

- a. A grading permit is required if excavation exceeds 50 cubic yards and a SEPA is required if the amount of cut or fill exceeds 500 cubic yards. (See *Grading Finding 1*)

<b>B</b>	<b>Prior to Construction of Development Review &amp; Approval Authority: Development Inspection</b>
----------	---

Prior to construction, the following conditions shall be met:

**B-1 Pre-Construction Conference** - Prior to construction or issuance of any grading or building permits, a pre-construction conference shall be held with the County.

**B-2 Erosion Control** - Prior to construction, erosion/sediment controls shall be in place. Sediment control facilities shall be installed that will prevent any silt from entering infiltration systems. Sediment controls shall be in place during construction and until all disturbed areas are stabilized and any erosion potential no longer exists.

**B-3 Erosion Control** - Erosion control facilities shall not be removed without County approval.

<b>C</b>	<b>Provisional Acceptance of Development</b> <b>Review &amp; Approval Authority: Development Inspection</b>
----------	--

Prior to provisional acceptance of development improvements, construction shall be completed consistent with the approved final construction plans and the following conditions of approval:

- C-1 Stormwater** - The installation of infiltration systems shall be observed and documented by a licensed engineer in the State of Washington proficient in geotechnical engineering. During the construction, the geotechnical engineer shall verify that the infiltration rates used in the final stormwater analysis are obtained at the exact locations and depths of the proposed stormwater infiltration facilities. The infiltration investigation shall include laboratory analysis based on AASHTO Specification M145. The timing of representative infiltration tests will be determined at the pre-construction conference.

<b>D</b>	<b>Final Plat Review &amp; Recording</b> <b>Review &amp; Approval Authority: Development Engineering</b>
----------	---

Prior to final plat approval and recording, the following conditions shall be met:

- D-1 Boundary Line Adjustment:** Documentation showing accomplishment of the proposed boundary line adjustment shall be submitted prior to recordation of the final plat. (*See Land Use Finding 1*)
- D-2 Building Envelopes:** The building envelopes on resulting parcels shall show a minimum 50-foot front setback. Side and rear setbacks shall be the 30-foot setback required for fire protection purposes unless a greater setback is necessary for habitat conservation. (*See Land Use Finding 3, Habitat Finding 2, and Fire Protection Finding 3*)
- D-3 Building Envelope:** Distance of building envelopes to property lines shall be clearly identified on the final plat. (*See Land Use Finding 3*)
- D-4** Prior to removal or demolition of the existing mobile home, the applicant shall obtain the necessary permit from either the Washington State Department of Labor and Industries or the Clark County Public Works Department, whichever is appropriate. (*See Land Use Finding 4*)
- D-5** Prior to demolition and/or removal of the existing shed, the applicant shall obtain demolition permits from the Clark County Building and Safety Division. (*See Land Use Finding 4*)
- D-6 Joint Driveway Easement:**
- The final plat shall be revised to reflect the fact that the ingress, egress and utility easement running along the eastern boundary of Lot 1 is 30 feet wide. (*See Land Use Finding 5*)

- b. The 20-foot joint driveway easement from NE 232<sup>nd</sup> Avenue shall be extended across Lot 3 if the 1.0 acre parcel (208166) which is not a part of this plat will utilize it for access. (*See Land Use Finding 5 and Transportation Finding 3*)
  - c. The final plat shall clearly identify which lots will be deriving access from each access easement. (*See Land Use Finding 5*)
- D-7** Evidence shall be submitted demonstrating resolution regarding ownership of the strip of land between established fence lines and actual property lines along the northern boundary of the site adjacent to the Samuel Bauman short plat. (*See Land Use Finding 6*)
- D-8** **Habitat:** The applicant shall clearly show building envelopes and habitat areas on the face of the final plat. Any revisions to the proposed building envelopes will require additional review. (*See Habitat Findings*)
- D-9** **On-Site Water Wells and Sewage System Requirements** - For on-site water wells and sewage system, the following requirements shall be completed:
- a. Small public water systems shall be drilled and approved by the Health Department prior to final plat approval;
  - b. A 100-foot radius of protection for any wells shall be shown on the final plat map and be located within the boundaries of the land division;
  - c. The location of all existing wells (in use, not in use or abandoned) shall be indicated on the final plat map;
  - d. Each on-site sewage system shall be on the same lot it serves;
  - e. Test hole locations corresponding to the designated treatment sites shall be surveyed and indicated on the final plat map;
  - f. No public or private easements or rights-of-way shall be extended through the approved, reserve or existing on-site sewage system sites;
  - g. Provisions shall be made to prevent flow or accumulation of surface water over the area where an on-site sewage system is located;
  - h. A copy of the County approved final drainage plan shall be submitted for review. If no drainage plan is required, written confirmation of this fact shall be submitted; and,
  - i. All proposed lots shall have a current approved septic system site evaluation or septic system permit. Should either be allowed to expire,

subsequent approval of an on-site sewage treatment system cannot be assured and, therefore, the Health Department will not sign the final plat.

**D-10 Health Department Signature Requirement** - The Health Department is required to sign the final plat prior to recording. (*See Utilities Finding 3*)

**D-11 Impact Fees:** The final plat shall identify one (1) lot designated for which impact fees are waived. (*See Impact Fees Finding 1*)

**D-12 Developer Covenant** - A "Developer Covenant to Clark County" shall be submitted for recording to include the following:

- a. Private Road Maintenance Covenant: A private road maintenance covenant shall be submitted to the responsible official for approval and recorded with the County Auditor. The covenant shall set out the terms and conditions of responsibility for maintenance, maintenance methods, standards, distribution of expenses, remedies for noncompliance with the terms of the agreement, right of use easements, and other considerations, as required under 40.350.030(C)(4)(g).
- b. Private Roads: "Clark County has no responsibility to improve or maintain the private roads contained within or private roads providing access to the property described in this development. Any private access street shall remain a private street, unless it is upgraded to meet applicable current road standards at the expense of the developer or abutting lot owners to include hard surface paving and is accepted by the county for public ownership and maintenance."
- c. Critical Aquifer Recharge Areas: "The dumping of chemicals into the groundwater and the use of excessive fertilizers and pesticides shall be avoided. Homeowners are encouraged to contact the State Wellhead Protection program at (206) 586-9041 or the Washington State Department of Ecology at 800-RECYCLE for more information on groundwater /drinking supply protection."
- d. Erosion Control: "Building Permits for lots on the plat shall comply with the approved erosion control plan on file with Clark County Building Department and put in place prior to construction."
- e. Responsibility for Stormwater Facility Maintenance: For stormwater facilities for which the county will not provide long-term maintenance, the developer shall make arrangements with the existing or future (as appropriate) occupants or owners of the subject property for assumption of maintenance to the county's Stormwater Facilities Maintenance Manual as adopted by Chapter 13.26A. The responsible official prior to county approval of the final stormwater plan shall approve such arrangements. Final plats shall specify

the party(s) responsible for long-term maintenance of stormwater facilities within the Developer Covenants to Clark County. The county may inspect privately maintained facilities for compliance with the requirements of this chapter. If the parties responsible for long-term maintenance fail to maintain their facilities to acceptable standards, the county shall issue a written notice specifying required actions to be taken in order to bring the facilities into compliance. If these actions are not performed in a timely manner, the county shall take enforcement action and recover from parties responsible for the maintenance in accordance with Section 32.04.060.

- f. Land Near Forest Resources: Land owners and residents are hereby notified that this plat is located within 500 feet of lands zoned forest (FR-40) or in current use under Revised Code of Washington (RCW) Chapter 84.34. The subject property is within or near designated forest land on which a variety of commercial activities may occur that are not compatible with residential development for certain periods of limited duration. Potential discomforts or inconveniences may include, but are not limited to: noise, odors, fumes, dust, smoke, insects, operation of machinery (including aircraft) during any twenty-four (24) hour period, storage and disposal of manure, and the application by spraying or otherwise of chemical fertilizers, soil amendments, herbicides and pesticides.
- g. If applicable, a covenant running with the land must be recorded with the plat which provides the county inspection staff permission to inspect individual onsite stormwater systems with prior notification. (See *Stormwater Finding 2*)
- h. Impact Fees: "In accordance with CCC 40.610, except for one (1) lot designated on the final plat as waived, the School and Traffic Impact Fees for each dwelling in this short plat are: \$7,090.02 (Hockinson School District); and \$2,749.47 (\$1,402.23 – local and \$1,347.24 – regional) Rural 1 sub-area. The impact fees for lots on this plat shall be fixed for a period of three years, beginning from the date of preliminary plat approval, dated \_\_\_\_\_, and expiring on \_\_\_\_\_. Impact fees for permits applied for following said expiration date shall be recalculated using the then-current regulations and fees schedule."

**D-13 Addressing** - At the time of final plat, existing residence(s) that will remain may be subject to an address change. Addressing will be determined based on point of access.

**D-14 Plat Notes** - The following notes shall be placed on the final plat:

- a. Setbacks: Accessory buildings used for agricultural purposes shall maintain a 50-foot setback from side property lines. (See *Land Use Finding 3*)

- b. Archaeological: "If any cultural resources and/or human remains are discovered in the course of undertaking the development activity, the Department of Archaeology and Historic Preservation in Olympia and Clark County Community Development shall be notified. Failure to comply with these State requirements may constitute a Class C Felony, subject to imprisonment and/or fines."
- c. Septic Systems: "The approved, initial, reserve, and/or existing sewage system sites shall be protected from damage due to development. All sites shall be maintained so they are free from encroachment by buildings and not be subject to vehicular traffic or other activity which would adversely affect the site or system function."
- d. Utilities: "An easement is hereby reserved under and upon the exterior six (6) feet at the front boundary lines of all lots for the installation, construction, renewing, operating and maintaining electric, telephone, TV, cable, water and sanitary sewer services. Also, a sidewalk easement, as necessary to comply with ADA slope requirements, shall be reserved upon the exterior six (6) feet along the front boundary lines of all lots adjacent to public streets."
- e. Driveways: "All residential driveway approaches entering public roads are required to comply with CCC 40.350."
- f. Driveway Access Restrictions: "Lot 1 and Lot 2 shall not take access from NE 232<sup>nd</sup> Avenue as a joint driveway may serve a maximum of 3 lots."
- g. Driveway Access Restrictions: Lot 3 and Lot 4 shall not take access to NE 109<sup>th</sup> Street via the joint driveway providing access for Lots 1 and 2."
- h. Driveways: "Driveways shall have a minimum width of 12 feet of clear, unobstructed driving surface. Where connecting to a paved rural street, public or private, the driveway shall be paved 20 feet back from the edge of the nearest travel lane or right-of-way, whichever is greater. Driveways longer than 300 feet shall be provided with an approved turnaround at the terminus. There shall also be approved turnouts constructed such that the maximum distance from turnout to turnout or from turnout to turnarounds does not exceed 500 feet." (See *Transportation Finding 3*)
- i. Stormwater: "At the time of building permit application, the home owner must submit a plan for drainage project review and obtain approval for the onsite stormwater control system, unless the stormwater control system for the lot is pre-designed and approved with the preliminary or a final stormwater plan, or demonstrate CCC 40.380.040(B) and CCC 40.380.040(C) do not apply." (See *Stormwater Finding 2*)

<b>E</b>	<b>Building Permits</b> <b>Review &amp; Approval Authority: Customer Service</b>
----------	---

Prior to issuance of a building permit, the following conditions shall be met:

**E-1 Stormwater:**

- a. At the time of building permit application, the home owner must submit a plan for drainage project review and obtain approval for the onsite stormwater control system, unless the stormwater control system for the lot is pre-designed and approved with the preliminary or a final stormwater plan, or demonstrate CCC 40.380.040(B) and CCC 40.380.040(C) do not apply. (*See Stormwater Finding 2*)
- b. Prior to construction, erosion/sediment controls shall be in place. Sediment control facilities shall be installed that will prevent any silt from entering infiltration systems. Sediment controls shall be in place during construction and until all disturbed areas are stabilized and any erosion potential no longer exists.
- c. Erosion control facilities shall **not** be removed without County approval.

**E-2** Building construction occurring subsequent to this application shall be in accordance with the provisions of the county's building and fire codes. Additional specific requirements may be made at the time of building construction as a result of the permit review and approval process. (*See Fire Protection Finding 2*)

**E-3 Fire Marshal:**

- a. Alternative construction methods shall be used to meet fire flow; this will require a class "A" rated roof. (*See Fire Protection Finding 3*)
- b. An automatic fire sprinkler system may be required for new residential structures exceeding 3,600 square feet of habitable space. (*See Fire Protection Finding 3*)

**E-4 Impact Fees** - The applicant shall pay impact fees based on the number of dwelling units, as follows:

- a. \$7,090.02 per dwelling for School Impact Fees (Hockinson School District);
- b. \$2,749.47 per dwelling for Traffic Impact Fees (Rural 1 TIF Sub-area – \$1,402.23 local and \$1,347.24 regional);

If the building permit application is made more than three years following the date of preliminary land division plan approval, the impact fees shall be recalculated according to the then-current rate.

<b>F</b>	<b>Occupancy Permits</b> <b>Review &amp; Approval Authority: Building and Safety</b>
----------	---

Prior to issuance of an occupancy permit, the following conditions shall be met:

- F-1 Engineering:** Installation of the approved onsite stormwater control system shall receive final approval. *(See Stormwater Finding 2)*
- F-2 Fire Marshal:**
- a. The applicant shall provide an unobstructed vertical clearance of not less than 13.5 feet with an all weather driving surface capable of supporting the imposed loads of fire apparatus. *(See Fire Protection Finding 4)*
  - b. All new private driveways in excess of three hundred (300) feet in length shall be provided with an approved turnaround at the terminus. Turnouts shall be provide at intervals five hundred (500) feet or less, such that no portion of the driveway is in excess of three hundred (300) feet from an approved turnaround or turnout. *(See Fire Protection Finding 5)*

<b>G</b>	<b>Development Review Timelines &amp; Advisory Information</b> <b>Review &amp; Approval Authority: None (Advisory to Applicant)</b>
----------	--

- G-1 Land Division** - Within 5 years of preliminary plan approval, a Fully Complete application for Final Plat review shall be submitted.
- G-2 Department of Ecology Permit for Construction Stormwater** - A permit from the Department of Ecology (DOE) is required If:
- The construction project disturbs one or more acres of land through clearing, grading, excavating, or stockpiling of fill material; **AND**
  - There is a possibility that stormwater could run off the development site during construction and into surface waters or conveyance systems leading to surface waters of the state.

The cumulative acreage of the entire project whether in a single or in a multiphase project will count toward the one acre threshold. This applies even if the applicant is responsible for only a small portion [less than one acre] of the larger project planned over time. **The applicant shall Contact the DOE for further information.**

**G-3 Building and Fire Safety**

Building and Fire, Life, and Safety requirements must be addressed through specific approvals and permits. This decision may reference general and specific items related to structures and fire, life, and safety conditions, but they are only for reference in regards to land use conditions. It is the responsibility of the owner, agent, tenant, or applicant to insure that Building Safety and Fire

Marshal requirements are in compliance or brought into compliance. Land use decisions do not waive any building or fire code requirements.

<b>H</b>	<b>Post Development Requirements</b> <b>Review &amp; Approval Authority: As specified below</b>
----------	--

H-1 None

<b>Note: The Development Services Manager reserves the right to provide additional comment and findings of fact regarding this decision, if appealed.</b>
---

**Decision Appeal Process:**

An **appeal** of any aspect of this decision may be appealed to the County Hearing Examiner only by a party of record. A "Party of Record" includes the applicant and those individuals who submitted written testimony to the Development Service Manager within the designated comment period.

The appeal shall be filed with the Department of Community Development, Permit Services Center, 1300 Franklin Street, Vancouver, Washington, 98668, within fourteen (14) calendar days from the date the notice of final land use decision is mailed to parties of record. This decision was mailed on December 11, 2009. Therefore any appeal must be received in this office by 12:00 p.m. (noon) on December 28, 2009.

Any appeal of the final land use decisions shall be in writing and contain the following:

- Case number designated by the County;
- Name of the applicant;
- Name of each petitioner;
- Signature of each petitioner or his or her duly authorized representative;
- A statement showing the following:
  - That each petitioner is entitled to file the appeal as an interested party in accordance with CCC 40.510.030(H);
  - The specific aspect(s) of the decision being appealed;
  - The reasons why each aspect is in error as a matter of fact or law;
  - The evidence relied on to prove the error; and,
- The appeal fee of **\$5,240** (Planning = \$4,826 + Engineering = \$414).

Ninety percent (90%) of the fee will be refunded if the appeal is withdrawn in writing by the petitioner at least 15 calendar days before the public meeting to consider the appeal.

**Attachments:**

- Copy of Proposed Preliminary Plan

---

A copy of the approved preliminary plan, SEPA Checklist and Clark County Code are available for review at:

**Public Service Center  
Department of Community Development  
1300 Franklin Street  
P.O. Box 9810  
Vancouver, WA. 98666-9810  
Phone: (360) 397-2375; Fax: (360) 397-2011**

A copy of the Clark County Code is also available on our Web Page at:  
Web Page at: <http://www.clark.wa.gov>

N 89°31'48" W 6'

NE 109th STREET (60 FT County Road R/W)

# COLE SHORT PLAT PAC2008-00142

IN THE SE 1/4 OF  
SEC 33, T3N, R3E, W.M.  
CLARK COUNTY, WASHINGTON

ASSESSOR'S PARCEL NO.(S) OF ORIGINAL TRACT  
TAX LOT #22, SERIAL NO. 208008-000  
TOTAL PARCEL SIZE 19.83 ACRES (863795 SQ FT)

## APPLICANT

HFI Consultants  
10 S. Parkway Avenue, Suite 201  
Battleground, WA 98604  
Phone: (360) 723-5523

## CONTACT PERSON

Tim Holme  
Same as Applicant

## OWNER

Gary and Lanita Cole  
22643 NE 109th Street  
Vancouver, WA 98682

## BASIS OF BEARINGS

THE SOUTH LINE OF TAX LOT #22  
BETWEEN FOUND MONUMENTS AS  
SHOWN ON REFERENCE SURVEY #3  
BOOK 57, PAGE 31



## LEGEND

● FOUND 5/8" IRON NAIL WITH 2" ALUMINUM  
SUNNY CAP MARKED "WLS 28064, 6LS 1846"

○ FOUND MONUMENT AS NOTED

\* PERC TEST HOLE

--- FENCE LINE

--- GRAVEL ROADWAY

--- EXISTING PARCEL LINES

--- PROPOSED PARCEL LINES

EXISTING 15' ROAD  
AND UTILITY EASEMENT

EXISTING PRIVATE DRIVEWAY  
12 FT WIDE GRAVELED

EXISTING 15' ROAD AND  
UTILITY EASEMENT

Found 1/2" Iron Pipe in  
West edge of gravel road  
see Survey Ref #2

PROPOSED 20 FT EASEMENT  
FOR PRIVATE DRIVEWAY  
TO SERVE LOT 2

MOBILE HOME 880 SQ FT  
TO BE REMOVED

EXISTING 2-STORY WOOD FRAMED SF HOME  
2664 SQ FT

N 43°45'34" W  
91.11'

N 89°16'03" W 612.17'

S 89°10'47" E 1915.81'

S 89°10'47" E 650.07'

S 89°10'47" E 656.57'

N 01°45'30" E 331.26'

N 01°45'30" E 332.27'

N 01°45'30" E

NE 232nd AVENUE -  
(60 FT COUNTY ROAD R/W)

LEFT WIDE PAVED SURFACE

TURN OUT  
30' EASEMENT

PROPOSED 20 FT EASEMENT  
FOR PRIVATE DRIVEWAY  
12 FT WIDE GRAVELED  
TO SERVE LOT 3 & LOT 4

12 FT WIDE GRAVEL SURFACE

30' EASEMENT

NE 105th STREET (30 FT PVT R/W)

N 89°16'03" W 1268.76'

S 89°16'03" W 656.59'

S 89°16'03" W 612.17'

S 89°10'47" E 1915.81'

S 89°10'47" E 650.07'

S 89°10'47" E 656.57'

N 01°45'30" E 331.26'

N 01°45'30" E 332.27'

N 01°45'30" E

NE 232nd AVENUE -  
(60 FT COUNTY ROAD R/W)

LEFT WIDE PAVED SURFACE

TURN OUT  
30' EASEMENT

PROPOSED 20 FT EASEMENT  
FOR PRIVATE DRIVEWAY  
12 FT WIDE GRAVELED  
TO SERVE LOT 3 & LOT 4

12 FT WIDE GRAVEL SURFACE

30' EASEMENT

NE 105th STREET (30 FT PVT R/W)

N 89°16'03" W 1268.76'

S 89°16'03" W 656.59'

S 89°16'03" W 612.17'

S 89°10'47" E 1915.81'

S 89°10'47" E 650.07'

S 89°10'47" E 656.57'

N 01°45'30" E 331.26'

N 01°45'30" E 332.27'

N 01°45'30" E

NE 232nd AVENUE -  
(60 FT COUNTY ROAD R/W)

LEFT WIDE PAVED SURFACE

TURN OUT  
30' EASEMENT

PROPOSED 20 FT EASEMENT  
FOR PRIVATE DRIVEWAY  
12 FT WIDE GRAVELED  
TO SERVE LOT 3 & LOT 4

12 FT WIDE GRAVEL SURFACE

30' EASEMENT

NE 105th STREET (30 FT PVT R/W)

N 89°16'03" W 1268.76'

S 89°16'03" W 656.59'

S 89°16'03" W 612.17'

S 89°10'47" E 1915.81'

S 89°10'47" E 650.07'

S 89°10'47" E 656.57'

N 01°45'30" E 331.26'

N 01°45'30" E 332.27'

N 01°45'30" E

NE 232nd AVENUE -  
(60 FT COUNTY ROAD R/W)

LEFT WIDE PAVED SURFACE

TURN OUT  
30' EASEMENT

PROPOSED 20 FT EASEMENT  
FOR PRIVATE DRIVEWAY  
12 FT WIDE GRAVELED  
TO SERVE LOT 3 & LOT 4

12 FT WIDE GRAVEL SURFACE

30' EASEMENT

NE 105th STREET (30 FT PVT R/W)

N 89°16'03" W 1268.76'

S 89°16'03" W 656.59'

S 89°16'03" W 612.17'

S 89°10'47" E 1915.81'

S 89°10'47" E 650.07'

S 89°10'47" E 656.57'

N 01°45'30" E 331.26'

N 01°45'30" E 332.27'

N 01°45'30" E

NE 232nd AVENUE -  
(60 FT COUNTY ROAD R/W)

LEFT WIDE PAVED SURFACE

TURN OUT  
30' EASEMENT

PROPOSED 20 FT EASEMENT  
FOR PRIVATE DRIVEWAY  
12 FT WIDE GRAVELED  
TO SERVE LOT 3 & LOT 4

12 FT WIDE GRAVEL SURFACE

30' EASEMENT

NE 105th STREET (30 FT PVT R/W)

N 89°16'03" W 1268.76'

S 89°16'03" W 656.59'

S 89°16'03" W 612.17'

S 89°10'47" E 1915.81'

S 89°10'47" E 650.07'

S 89°10'47" E 656.57'

N 01°45'30" E 331.26'

N 01°45'30" E 332.27'

N 01°45'30" E

NE 232nd AVENUE -  
(60 FT COUNTY ROAD R/W)

LEFT WIDE PAVED SURFACE

TURN OUT  
30' EASEMENT

PROPOSED 20 FT EASEMENT  
FOR PRIVATE DRIVEWAY  
12 FT WIDE GRAVELED  
TO SERVE LOT 3 & LOT 4

12 FT WIDE GRAVEL SURFACE

30' EASEMENT

NE 105th STREET (30 FT PVT R/W)

N 89°16'03" W 1268.76'

S 89°16'03" W 656.59'

S 89°16'03" W 612.17'

S 89°10'47" E 1915.81'

S 89°10'47" E 650.07'

S 89°10'47" E 656.57'

N 01°45'30" E 331.26'

N 01°45'30" E 332.27'

N 01°45'30" E

NE 232nd AVENUE -  
(60 FT COUNTY ROAD R/W)

LEFT WIDE PAVED SURFACE

TURN OUT  
30' EASEMENT

PROPOSED 20 FT EASEMENT  
FOR PRIVATE DRIVEWAY  
12 FT WIDE GRAVELED  
TO SERVE LOT 3 & LOT 4

12 FT WIDE GRAVEL SURFACE

30' EASEMENT

NE 105th STREET (30 FT PVT R/W)

N 89°16'03" W 1268.76'

S 89°16'03" W 656.59'

S 89°16'03" W 612.17'

S 89°10'47" E 1915.81'

S 89°10'47" E 650.07'

S 89°10'47" E 656.57'

N 01°45'30" E 331.26'

N 01°45'30" E 332.27'

N 01°45'30" E

NE 232nd AVENUE -  
(60 FT COUNTY ROAD R/W)

LEFT WIDE PAVED SURFACE

TURN OUT  
30' EASEMENT

PROPOSED 20 FT EASEMENT  
FOR PRIVATE DRIVEWAY  
12 FT WIDE GRAVELED  
TO SERVE LOT 3 & LOT 4

12 FT WIDE GRAVEL SURFACE

30' EASEMENT

NE 105th STREET (30 FT PVT R/W)

N 89°16'03" W 1268.76'

S 89°16'03" W 656.59'

S 89°16'03" W 612.17'

S 89°10'47" E 1915.81'

S 89°10'47" E 650.07'

S 89°10'47" E 656.57'

N 01°45'30" E 331.26'

N 01°45'30" E 332.27'

N 01°45'30" E

NE 232nd AVENUE -  
(60 FT COUNTY ROAD R/W)

LEFT WIDE PAVED SURFACE

TURN OUT  
30' EASEMENT

PROPOSED 20 FT EASEMENT  
FOR PRIVATE DRIVEWAY  
12 FT WIDE GRAVELED  
TO SERVE LOT 3 & LOT 4

12 FT WIDE GRAVEL SURFACE

30' EASEMENT

NE 105th STREET (30 FT PVT R/W)

N 89°16'03" W 1268.76'

S 89°16'03" W 656.59'

S 89°16'03" W 612.17'

S 89°10'47" E 1915.81'

S 89°10'47" E 650.07'

S 89°10'47" E 656.57'

N 01°45'30" E 331.26'

N 01°45'30" E 332.27'

N 01°45'30" E

NE 232nd AVENUE -  
(60 FT COUNTY ROAD R/W)

LEFT WIDE PAVED SURFACE

TURN OUT  
30' EASEMENT

PROPOSED 20 FT EASEMENT  
FOR PRIVATE DRIVEWAY  
12 FT WIDE GRAVELED  
TO SERVE LOT 3 & LOT 4

12 FT WIDE GRAVEL SURFACE

30' EASEMENT

NE 105th STREET (30 FT PVT R/W)

N 89°16'03" W 1268.76'

S 89°16'03" W 656.59'

S 89°16'03" W 612.17'

S 89°10'47" E 1915.81'

S 89°10'47" E 650.07'

S 89°10'47" E 656.57'

N 01°45'30" E 331.26'

N 01°45'30" E 332.27'

N 01°45'30" E

NE 232nd AVENUE -  
(60 FT COUNTY ROAD R/W)

LEFT WIDE PAVED SURFACE

TURN OUT  
30' EASEMENT

PROPOSED 20 FT EASEMENT  
FOR PRIVATE DRIVEWAY  
12 FT WIDE GRAVELED  
TO SERVE LOT 3 & LOT 4

12 FT WIDE GRAVEL SURFACE

30' EASEMENT

NE 105th STREET (30 FT PVT R/W)

N 89°16'03" W 1268.76'

S 89°16'03" W 656.59'

S 89°16'03" W 612.17'

S 89°10'47" E 1915.81'

S 89°10'47" E 650.07'

S 89°10'47" E 656.57'

N 01°45'30" E 331.26'

N 01°45'30" E 332.27'

N 01°45'30" E

NE 232nd AVENUE -  
(60 FT COUNTY ROAD R/W)

LEFT WIDE PAVED SURFACE

TURN OUT  
30' EASEMENT

PROPOSED 20 FT EASEMENT  
FOR PRIVATE DRIVEWAY  
12 FT WIDE GRAVELED  
TO SERVE LOT 3 & LOT 4

12 FT WIDE GRAVEL SURFACE

30' EASEMENT

NE 105th STREET (30 FT PVT R/W)

N 89°16'03" W 1268.76'

S 89°16'03" W 656.59'

S 89°16'03" W 612.17'

S 89°10'47" E 1915.81'

S 89°10'47" E 650.07'

S 89°10'47" E 656.57'

N 01°45'30" E 331.26'

N 01°45'30" E 332.27'

N 01°45'30" E

NE 232nd AVENUE -  
(60 FT COUNTY ROAD R/W)

LEFT WIDE PAVED SURFACE

TURN OUT  
30' EASEMENT

PROPOSED 20 FT EASEMENT  
FOR PRIVATE DRIVEWAY  
12 FT WIDE GRAVELED  
TO SERVE LOT 3 & LOT 4

12 FT WIDE GRAVEL SURFACE

30' EASEMENT

NE 105th STREET (30 FT PVT R/W)

N 89°16'03" W 1268.76'

S 89°16'03" W 656.59'

S 89°16'03" W 612.17'

S 89°10'47" E 1915.81'

S 89°10'47" E 650.07'

S 89°10'47" E 656.57'

N 01°45'30" E 331.26'

N 01°45'30" E 332.27'

N 01°45'30" E

NE 232nd AVENUE -  
(60 FT COUNTY ROAD R/W)

LEFT WIDE PAVED SURFACE

TURN OUT  
30' EASEMENT

PROPOSED 20 FT EASEMENT  
FOR PRIVATE DRIVE